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BOARD OF FORESTRY AND FIRE PROTECTION

Sacramento, CA
October 9, 2013

BOARD OF FORESTRY MEMBERS PRESENT:

Chair, J. Keith Gilles
Mark Andre
Stan Dixon
Bruce Saito
Susan Britting
Mike Miles
Richard Wade
Stuart Farber
Mary Rickert

BOARD OF FORESTRY MEMBERS ABSENT:

BOARD STAFF:

George Gentry, Executive Officer
Matthew Dias, Executive Officer, Forester's Licensing
Eric Huff, Regulations Coordinator
Linda Cano, Executive Assistant

DEPARTMENTAL STAFF:

Ken Pimlott, Director
Janet Barentson, Chief Deputy Director
Janet Upton, Deputy Director of Communications
Bill Snyder, Deputy Director, Resource Management
Duane Shintaku, Asst. Deputy Director, Forest Practice
Phyllis Banducci, Chief, Fire Planning
Shane Cunningham, Forest Practice LE, Monitoring and Audit Coordinator

The Board's Mission:

To lead California in developing policies and programs that serve the public interest in environmentally, economically, and socially sustainable management of forest and rangelands and a fire protection system that protects and serves the people of the state.

Call to Order

Chair Gilless called the meeting of the Board of Forestry and Fire Protection to order.

Announcement of Actions Taken in Executive Session

Approval of Minutes

- 10-13-01** **Member Britting moved to approve minutes from previous meetings.
Member Andre seconded the motion. The motion passed unanimously.**

MONTHLY BOARD REPORTS

Report of the Chairman

Report of the Director/Department-Ken Pimlott - Full Report available on the Board's website.

- Gearing up for peak fire season through October in Southern California with Santa Ana wind season coming up.
- Modifying down staffing plan due to dry conditions in much of the Sierra and the south. Retaining an above normal amount of engines, particularly in the North Bay also maintaining airtanker base staffing in Redding, Chico and Santa Rosa. Downsizing in extreme north western California.
- Year to date there have been 5,900 fires with 150,000 acres burned on SRA lands.
- The department continues succession planning and is currently working on several retirements in the executive, management and manager classifications.
- Duane Shintaku will be the new Deputy Director for Resource Management, effective November 1, replacing Bill Snyder. Russ Henly took an assignment with the Natural Resources Agency as Resource Manager over AB 1492, Lumber Assessment.
- SRA: Bills were issued on October 9, to Santa Clara and Santa Cruz. Shasta will go out on October 16. The number of calls to the call center have gone down, but still receiving many calls. Media calls are down.

Report of the Regulations Coordinator-Eric Huff

§1299 "Wood Piles" Amendment, 2013	45-day Notice pending.
Road Rules, 2013	Initial Hearing October 9, 2013
Class II-L Identification Methods Amendments, 2013	Initial Hearing October 9, 2013
AB 1492-Lumber Products Assessment- Permanent Regulation	Adopted 9/11/13 Under OAL Review Approval Pending
MTHP Amendments, 2013	Adopted 9/11/13 Final Filing Pending
§895.1 Commercial Species Amendments, 2013	Initial Hearing October 9, 2013
NSO "Activity Center" Definition Amendments, 2013	45-day Notice pending.

CRM Program Guidelines, 2013	Section 100 Pending
§ 1270 SRA Fire Safe Standards Amendments, 2014	Rule Proposal Under Development
Comprehensive Section 100 Filings	Section 100 Pending

Report of Executive Officer.

- Spoke about the Marijuana Symposium given on November 5. Staff is compiling the PowerPoint presentations and data for the Boards review and consideration.
- The budget language required the Board to have a meeting in the north and south relating to Vegetation Treatment Program. The Cal Fire Chico unit has agreed to host the November Board meeting. The meeting will be held at the Oxford Suites. A field trip is being planned to the Summit Fire site. Speakers will be provided to guide the tour.
- The November Board agenda will be a full one, with Butte County presenting their Fire Plan, November ruling on Rules and potential changes to the Rules. A Public Notice will be sent out.
- The Chaptered language for AB 744, AB 904 and the STEPP budget change proposal was sent to Board members for their review.

Forest Practice, Mark Andre, Chair

No Action Items

- Discussed the Department of Forestry & Fire Protection Proposal to Amend 14 CCR § 1052 to Require Native American Notifications.
- Discussed Cumulative Effects in the THP process.
- Discussed Items for Next Month's Agenda, Review of 2013 Priorities.

Resource Protection, Bruce Saito

No Action Items

- 2015 SRA Review Timeline. Phyllis Banducci, Chief, Fire Planning, CAL FIRE
- Utility Vegetation Management Update. Consideration of possible regulatory changes.
- Update on Wildland Prevention Engineering. Mike Wilson, Assistant Chief, Wildland Fire Prevention.
- Review of Fire Safe Regulation Update. George Gentry and Jana Luis.
- Safety Element Process Update. George Gentry and Edith Hannigan.
- Discussed Items for Next Month's Agenda and Review of 2013 Priorities.

Management, Stan Dixon

No Action Items

- Discussed options for small landowner timberland management.
- Update on Stewardship Lands for Acquisition by the Department. Review of the Conservation Easement for the North Fork Mokelumne.

Report of Board's Advisory Committees

- **Forest Pest Council-**
 - **California Oak Mortality Task Force (COMTF)**
 - **An Update on the Big Sur Region – Forests in the Big Sur region that burned in 2008** during the Basin and Chalk wildfires now have very high fuel levels as well as lush basal resprouting in redwood, tanoak, madrone, and California bay laurel. Burned areas that were

infested with *P. ramorum* prior to the fires are slowly becoming reinfested with the pathogen as well as other *Phytophthora* species.

To address the increased fuel loads from *P. ramorum* and the 2008 wildfires, several programs are underway. The Los Padres National Forest and the Nature Conservancy's Fire Learning Network initiated Fire Scape Monterey in the spring of 2011, which brings community members and 27 public and private organizations together to work on local fire issues.

- **Jackson Demonstration State Forest - Tanoak and California bay laurel trees were found *P. ramorum* positive in August on Jackson Demonstration State Forest (JDSF), confirming the pathogen's presence on the Forest following positive stream sampling and a June 2013 USDA Forest Service Aerial Survey that identified suspicious tanoak mortality. The positive trees were identified in the North Fork of the South Fork (NFSF) of the Noyo River, adjacent to the remote Trestle Trail.**

Report of Board's Advisory Committees

Monitoring Study Group- Pete Cafferata (Full report can be found on the BOF website)

No report

- **Research and Science Committee- George Gentry**
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- **Committee on Criminal Trespass- George Gentry**
- Spoke about the Marijuana Symposium given on November 5. Staff is compiling the powerpoints presentations and data for the Boards review and consideration.
- **Range Management Advisory Committee- George Gentry**
No report
- **Professional Foresters Examining Committee – Matt Dias**

SPECIAL BOARD HEARINGS/REPORTS

Hearing: “Commercial Species Definitions Amendments, 2013”. Amend: § 895.1 Definitions. The proposed amendments are intended to acknowledge that the native Monterey pine (*Pinus radiata*) is not managed by itself as a commercial species in California. The amendments are also intended to remove impediments to the treatment of hazardous fuels conditions caused by the presence of nonnative, highly flammable eucalyptus species (*Eucalyptus sp.*). **Possible action item:** The Board may approve, reject, or modify the proposed language.

Regulations Coordinator Eric Huff provided an overview.

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| 10-13-02 | Member Andre moved to open public hearing. Member Britting seconded the motion. The motion passed unanimously. |
| 10-13-03 | Member Andre moved to close public hearing. Member Britting seconded the motion. The motion passed unanimously. |
| 10-13-04 | Member Britting moved to adopt Commercial Species Definitions Amendments. Member Andre seconded the motion. |

Chair Gilless called for a roll call vote

Saito	Yes
Britting	Yes
Andre	Yes
Wade	Yes
Dixon	Yes
Miles	Yes
Farber	Yes
Rickert	Yes
Gilless	Yes

The motion passed unanimously.

Hearing: “Class II-L Identification and Protection Amendments, 2013”. Amend: § 895.1; §§ 916.9 [936.9, 956.9](c)(4); and §§ 916.9 [936.9, 956.9](g). The proposed amendments are intended to clarify the Board’s intent with regard to identification and protection of watercourses designated as “Class II-Large” (Class II-L). **Possible Action Item:** The Board may approve, reject, or modify the proposed language.

Regulations Coordinator Eric Huff provided an overview.

- 10-13-05** **Member Britting moved to close public hearing. Member Andre seconded the motion. The motion passed unanimously.**
- 10-13-06** **Member Andre moved to adopt rule amendments. Miles seconded the motion.**
- 10-13-07** **Member Wade moved to amend the language by adopting the recommendations of Cal Fire. Member Farber seconded the motion.**

Chair Gilless called for a roll call vote

Saito	Yes
Britting	Yes
Andre	Yes
Wade	Yes
Dixon	Yes
Miles	Yes
Farber	Yes
Rickert	Yes
Gilless	Yes

Hearing: “Road Rules, 2013”. Amend: § 895.1; § 914.7 [934.7, 954.7]; § 914.8 [934.8, 954.8]; § 915.1 [935.1, 955.1]; § 916.3 [936.3, 956.3]; § 916.4 [936.4, 956.4]; § 916.9 [936.9, 956.9]; § 918.3 [938.3, 958.3]; § 923 [943, 963] § 923.1 [943.1, 963.1]; §923.2 [943.2, 963.2]; § 923.3 [943.3, 963.3]; § 923.4 [943.4, 963.4]; § 923.5 [943.5, 963.5]; § 923.6 [943.6, 963.6]; § 923.7 [943.7, 963.7]; § 923.8 [943.8, 963.8]; § 923.9 [943.9, 963.9]; § 1034; § 1051.1; § 1090.5; § 1090.7; § 1092.09; § 1093.2; § 1104.1. Repeal: § 918.3 [938.3, 958.3]; § 923.9.1 [943.9.1]. Adopt: Technical Rule Addendum Number 5 – “Guidance on Hydrologic Disconnection, Road Drainage, Minimization of Diversion Potential, and High Risk Crossings.” This comprehensive rulemaking proposal is intended to satisfy two long-term objectives. The first of these objectives is to ensure that all road-related Forest Practice Rules are adequate to prevent adverse impacts to beneficial uses of water. The second objective is to organize all road-related Forest Practice Rules into a logical, consistent order and locate them in one portion of the Forest Practice Rulebook for ease of reference and understanding

Regulations Coordinator Eric Huff provided an overview.

- 10-13-08** **Member Miles moved to close public hearing. Member Rickert seconded the motion. The motion passed unanimously.**
- 10-13-09** **Member Britting moved to adopt the rules. Member Andre seconded the motion.**
- 10-13-10** **Member Gilless moved to amend the rule language for non-substantial edits. Member Farber seconded the motion.**

Chair Gilless called for a roll call vote

Saito	Yes
Britting	Yes
Andre	Yes
Wade	Yes
Dixon	Yes
Miles	Yes
Farber	Yes
Rickert	Yes
Gilless	Yes

The motion passed unanimously

- 10-13-11** **Member Gilless moved to amend the Technical Rule Addendum 5 for non-substantial edits. Member Britting seconded the motion.**

Chair Gilless called for a roll call vote

Saito	Yes
Britting	Yes
Andre	Yes
Wade	Yes
Dixon	Yes
Miles	Yes
Farber	Yes
Rickert	Yes
Gilless	Yes

The motion passed unanimously

- 10-13-12** **Member Wade moved to separate the question of the adoption of the rule language and the adoption of technical rule addendum. Question was separated.**
- 10-13-13** **Return to main motion (10-13-09) as separated. Member Wade moved to consider Technical Rule Addendum 5 first in order. Member Miles seconded the motion**

Chair Gilless called for a roll call vote

Saito	Yes
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Britting	Yes
Andre	Yes
Wade	Yes
Dixon	Yes
Miles	Yes
Farber	Yes
Rickert	Yes
Gilless	Yes

The motion passed unanimously

Chair Gilless called for a roll call vote on the second part of the separated main motion, the rule language:

Saito	Yes
Britting	Yes
Andre	Yes
Wade	No
Dixon	No
Miles	Yes
Farber	Yes
Rickert	Yes
Gilless	Yes

The motion passed 7 to 2

CONCLUSION

Public Comment

CONCLUSION

Public Forum

New and Unfinished business

None

Adjourn

Respectfully submitted,

ATTEST:

George D. Gentry
Executive Officer

Keith Gilless
Chairman

Copies of the attendance sheets can be obtained from the Board Office.